S.B.CIVIL WRIT PETITION NO. 3093/1994

Smt. Sire Kanwar Vs. Municipal Council, Bikaner & Ors.

DATE OF ORDER :: 21st May, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. S.N. Trivedi, for the petitioner.

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By this petition for writ the petitioner has claimed for family pension being widow of a deceased employee of Municipal Council, Bikaner. The husband of the petitioner late Sh.Mool Chand Purohit entered in the service of Municipal Council, Bikaner on 1.11.1955 as Lower Division Clerk. While in service he died on 12.10.1985. The contention of learned counsel for the petitioner is that in terms of the Rajasthan Municipal Service (Pension) Rules, 1989 the petitioner is entitled to get family pension. A reliance is also placed by counsel for the petitioner to claim pension upon a Circular dated 18.7.1988 whereby the Government of Rajasthan extended the provisions of New family Pensions Rules of 1964 contained in Chapter XXIII-A of the Rajasthan Service Rules to the widows of Government servants on pensionable establishment who retired prior to 1.3.1964 and were in receipt of pension on the date of death or died while in service before 1.3.1964 or were in service on 1.3.1964 and opted for the family pension benefits as admissible under Chapter XXIII of Rajasthan Service Rules.

Heard counsel for the petitioner.

I do not find any substance in the contentions raised on behalf of the petitioner. It is the position admitted that the husband of the petitioner late Sh. Mool Chand Purohit died while in service of Municipal Council, Bikaner on 12.10.1985. At the time of his death there was no provision for grant of pension to municipal employees as the same was introduced first time under the Rajasthan Municipal Service (Pension) Rules, 1989. The Circular dated 18.7.1988 is also having no application upon the petitioner as it applies to the government servants or their wards covered under Chapter XXIII-A of Rajasthan Service Rules, 1951. The petitioner being a widow of an employee of Municipal Council cannot be dealt with in accordance with the provisions of Rajasthan Service Rules, 1951.

In view of it, the petition for writ lacks merit, and therefore, the same is dismissed.

(GOVIND MATHUR),J.

jgoyal